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 Attorney for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

<p>TINA MARIE BLACK, Plaintiff,</p> <p>v.</p> <p>KILOLO KIJAKAZI, Acting Commissioner of Social Security, Defendant</p>	<p>CIVIL NO. 4:20-cv-04463-KAW</p> <p>STIPULATION AND ORDER APPROVING SETTLEMENT OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920</p>
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IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of \$7,000 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and zero dollars (\$00.00) in costs under Taxation of Costs, 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

After the Court issues an order for EAJA fees to Plaintiff, the Government will consider any assignment of EAJA fees to Plaintiff's counsel, Bay Area Legal Aid. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset

1 Program. After the order for EAJA fees is entered, the Government will determine whether they are
2 subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
4 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be made
5 directly to Bay Area Legal Aid, Tax ID# 94-1631316, pursuant to any assignment executed by
6 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel, Bay Area Legal Aid, 1735
7 Telegraph Ave., Oakland, CA 94612.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
9 fees and does not constitute an admission of liability on the part of Defendant under the EAJA.
10 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims
11 that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in connection with
12 this action. This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
13 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA,
14 although Bay Area Legal Aid has waived their right to claim any fees under 42 U.S.C. §406(b).
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16 Respectfully submitted,

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18 Dated: August 24, 2021

By: /s/ Lauren M. Johnson

19 Lauren M. Johnson
20 Bay Area Legal Aid
Attorney for Plaintiff

21
22 Dated: August 24, 2021

By: /s/ Jennifer A. Kenney

23 Stephanie Hinds
Acting United States Attorney

24 Jennifer A. Kenney
25 Special Assistant United States Attorney
26 Attorney for Defendant
27
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ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: September 10, 2021

By:



KANDIS A. WESTMORE

United States Magistrate Judge